

REMARKS

Claims 1 and 3-5 are pending in this application. Claim 1 is the only independent claim. Claims 1, 3 and 4 are amended. Claims 2 and 6-8 are cancelled. No new matter has been added. Reconsideration and allowance of the present application are respectfully requested.

Claim Objections

Claims 1 and 4 were objected to in the Office Action. Claims 1 and 4 have been amended to overcome the objections. Therefore, Applicants request that the objections of claims 1 and 4 be withdrawn.

Claim Rejections Under 35 U.S.C. §103

Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. 2003-056398 to Shibata in view of U. S. Patent No. 7,203,581 to Okada. Claims 2 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata and Okada, as applied to claims 1 and 5, and further in view of U.S. Patent No. 6,173,417 to Merrill. Claims 3, 4, 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata, Okada and Merrill, as applied to claims 2 and 6, and further in view of U.S. Patent No. 5,430,792 to Ueltzen.

These rejections are respectfully traversed.

Shibata discloses that when vehicle information is written in a gateway ECU from a service tool on the outside during installation to the vehicle, the gateway ECU transmits the written vehicle information to another ECU (a door ECU and a security ECU), and each of the other ECU stores the transmitted vehicle information as copy data. In replacement with a new

gateway ECU, the new gateway ECU demands the copy data from other ECU. The other ECU receiving the demand transmits the copy data to the gateway ECU, and when the gateway ECU receives and stores them, the new gateway ECU stores the vehicle information equal to those in the replaced gateway ECU. See at least the Abstract of Shibata.

The Abstract of Okada discloses that:

an electronic control unit continuously stores data indicating the monitoring frequency of the diagnosis items determined by the RateBase monitoring method and is increased one by one with the maximum amount of change in the single operating period to an EEPROM. When any data is incremented by one, this data is entered to the EEPROM and the write completion flag for this data is turned on. Thereafter, in this operating period, this data is never entered to the EEPROM. Therefore, reduction and increase in the number of times of data entry to the programmable non-volatile memory and reliable storage of this data can be realized effectively.

Applicant submits that the combination of Shibata and Okada does not teach or suggest the combination of elements recited in the pending claims. Independent claim 1, in part, recites “storing the most recent content of accumulated data including an engine running time data and a running history data in the engine electronic control unit and as backup data in the electronic units via the vehicular communication network at an appropriate time” and “transferring, when the engine electronic control unit is replaced, the backup data via the vehicular communication network to a replaced engine electronic control unit from any of the electronic units with reference to the flag provided in the replaced engine electronic unit.” Shibata does not teach or suggest these features.

Shibata discloses an EEROM and the back-up data is stored in the EEROM. In Shibata the backup data stored in the EEROM is not required to change at an appropriate time interval. Therefore, Shibata does not teach or suggest that the backup data is changed at an appropriate

time interval in order to include the “most recent content of accumulated data including an engine running time data and a running history data,” as recited in the pending claims.

Okada does not cure any of the deficiencies of Shibata. Okada is related to a data backup system to reduce the number of data-writing operations. Accordingly Okada is quite different from the present application and does not teach or suggest the elements recited in the pending claims.

Merrill and Ueltzen also do not cure any of the deficiencies of Shibata, as outlined above.

Based on the distinctions noted above, Applicant submits that the combination of Shibata and Okada fails to teach or suggest each of the elements recited in claim 1. Each of pending claims 3-5 depends on claim 1, and therefore, incorporates all of the elements of claim 1 in addition to the further limitations recited in claims 3-5. Hence, pending claims 3-5 are also allowable at least because of their dependence on claim 1. Therefore, Applicant respectfully requests that the rejections of claims 1 and 3-5 under 35 U.S.C. §103 be withdrawn.

Disclaimer

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 20696-00100-US1 from which the undersigned is authorized to draw.

Dated: June 18, 2009

Respectfully submitted,

Electronic signature: /Arlene P. Neal/
Arlene P. Neal

Registration No.: 43,828
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 293-6229 (Fax)
Attorney for Applicant